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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/589,286

08/11/2006

Friedrich Geiser

2235-159

7153

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7590

04/03/2009

ROTHWELL, FIGG, ERNST & MANBECK, P.C.

1425 K STREET, N.W.

SUITE 800

WASHINGTON, DC 20005

EXAMINER

FLEMING, FAYE M

ART UNIT

PAPER NUMBER

3616

NOTIFICATION DATE

DELIVERY MODE

04/03/2009

ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

PTO-PAT-Email@rfem.com

<b>Office Action Summary</b>	<b>Application No.</b> 10/589,286	<b>Applicant(s)</b> GEISER, FRIEDRICH	
	<b>Examiner</b> Faye M. Fleming	<b>Art Unit</b> 3616	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 11 August 2006.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Claim Objections***

1. Claim 1 is objected to because of the following informalities: the terms “more particularly” should be deleted. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-4, 6-15 are rejected under 35 U.S.C. 102(b) as being anticipated by Patin (4,368,796).

Patin discloses a multitrack curve-tilting vehicle having at least three supporting elements (115 and wheels) wherein at least two (wheels) of the at least three supporting elements are laterally disposed on opposite sides of the vehicle's longitudinal axis and at least one (115) of the at least three supporting elements can be steered for directional control of the vehicle, with means for laterally tilting (116) at least one section of the vehicle about a tilting axis (114) running essentially parallel to the vehicle's longitudinal axis, while driving the center of gravity of the vehicle can be displaced in a direction perpendicular to the direction of travel, and at least one vehicle seat (110) disposed on the tiltable section of the vehicle characterized in that means of detection (113) are provided for capturing a lateral sitting force exerted by the driver's body onto at least one vehicle seat portion of the vehicle seat (110) in a lateral direction perpendicular

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to the direction of travel, the means of detection (113) are in operative connection with the means for lateral tilting (116), in such a way that the lateral tilting occurs as a function of the detected lateral sitting force and the tilting speed is a function, at least of the lateral sitting force and the speed of the vehicle, the tilting speed increasing with increasing lateral sitting force, with a factor that decreases with increasing vehicle speed. The supporting elements are formed as wheels and the vehicle is formed as a three-wheeled vehicle with a curve-tiltable vehicle frame (31), wherein two of the three wheels are arranged side by side essentially symmetrically relative to the vehicle's longitudinal axis, and the third wheel is arranged essentially in the vehicle's longitudinal axis but centrally offset, and the lateral tilting by the means for lateral tilting (116) occurs in such a way, and the vehicle is designed in such a way that the wheels assume an inclined position corresponding to the tilt, and the two wheels positioned side by side act like a fictitious single central wheel essentially in the vehicle's longitudinal axis. The vehicle seat portion of the vehicle seat (110) is mobile in a lateral direction (A) perpendicular to the direction of travel within the range of movement of the vehicle seat, and the means of detection are so designed that they capture quantitatively or qualitatively the lateral sitting force by a direct or indirect measurement of force or distance at least at the vehicle-seat portion of the vehicle seat (110), as shown in figure 7. The vehicle seat (110) or the vehicle seat portion is mounted in such a way via a ball-and-socket joint with an axis of rotation (111) of the vehicle seat running essentially parallel to the vehicle's longitudinal axis and centered relative to the vehicle seat that the vehicle seat (110) is pivotable about the axis of rotation (111) of the vehicle seat into the lateral direction perpendicular to the direction of travel within the range of movement of the vehicle seat. The vehicle seat (110) comprises a seat squab (see figure 7) or is designed as a seat

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squab and the seat squab forms the vehicle seat portion that is mobile in the lateral direction perpendicular to the direction of travel within the range of movement of the vehicle seat. The operative connection between the means of detection (113) and the means for lateral tilting (116) are formed in such a way that the lateral tilting occurs toward the side that corresponds to the direction of the lateral sitting force. The operative connection between the means of detection and the means for lateral tilting are formed in such a way that the lateral tilting occurs toward the side opposite to the direction of the lateral sitting force. Elastic centering means (112) are provided which center at least the vehicle seat portion that is mobile in the lateral direction perpendicular to the direction of travel within the range of movement of the vehicle seat portion, through a restoring force to a central initial position, so that from the position of at least the vehicle-seat portion of the vehicle seat within the range of movement of the vehicle seat the lateral sitting force can be determined, and the means of detection are formed as at least one position detector capturing the position of at least the vehicle seat portion of the vehicle seat within the range of movement of the vehicle seat, so that the lateral sitting force can be captured. The elastic centering means are formed as centering springs (112) having a variable initial spring bias that increases with increasing vehicle speed, and thus an increasing restoring force. With respect to claim 11, Patin teaches hydraulics may be used. With respect to claim 12, the method of forming the device is not germane to the issue of patentability of the device itself. Therefore, this limitation has not been given patentable weight. claims 13-15, Patin teaches the claimed method with use of the described structure.

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***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Patin (4,368,796) in view of Patin (3,781,031).

Patin ('796) teaches the claimed invention except for a seat back. Patin ('031) teaches a three wheeled vehicle having a seat back having lateral bulges. It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the seat of Patin ('796) to have a seat back to provide support for an occupant's torso during driving.

***Conclusion***

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Faye M. Fleming whose telephone number is (571) 272-6672. The examiner can normally be reached on M-F (9:00-5:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Q. Nguyen can be reached on (571) 272-6952. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Faye M. Fleming/  
Primary Examiner, Art Unit 3616